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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 MICHELLE MCKENNA,

12 Plaintiff,

13 v.

14 DAVID Z. CHESNOFF, CHTD. P.C. d/b/a
CHESNOFF & SCHONFELD; DAVID Z.
CHESNOFF, and RICHARD A. SCHONFELD,

15 Defendants.

Case No.: 2:14-CV-01773-JAD-CWH

**JOINT STIPULATION AND ORDER TO
EXTEND DISCOVERY (FIRST
REQUEST)**

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17 For good cause described in this stipulation, the parties hereby request this honorable
18 court to adopt and approve this stipulated extension to the discovery plan.

19 **I. Local Rule 6-1 is Satisfied.**

20 This is the first request for an extension of discovery filed by the parties. Numerous
21 reasons exist why discovery should be extended. Preliminarily, the parties have worked jointly
22 to resolve all procedural issues concerning the case, so it can proceed forward. At the FRCP
23 26(f) conference, the parties agreed a stipulated confidentiality agreement and protective order
24 would be needed. After the January 26(f) conference, the parties worked together and finalized

1 the stipulated confidentiality agreement and protective order which was subsequently submitted
2 to this court. The proposed agreement was provided to the court on March 13, 2015, and signed
3 by this honorable court on March 17, 2015. At that point, the parties felt comfortable in
4 proceeding forward in finishing the initial disclosures which needed to be undertaken so all
5 discovery could ensue.

6 Additionally, the parties worked together and stipulated that an amended complaint could
7 be filed. The stipulation, worked on for several weeks between the parties, was filed with the
8 court on March 20, 2015, allowing the amended complaint. On March 26, 2015, this honorable
9 court signed the order allowing the amended complaint to be filed, which occurred on March 27,
10 2015. The answer to the amended complaint was filed on April 28, 2015. At that point, all
11 procedural issues then envisioned by the parties were resolved and the matter could proceed
12 forward. The majority of, if not all known documents in the parties' possession have been
13 exchanged as of June 11, 2015, further allowing discovery to proceed.

14 Furthermore, counsel for defendant was recently involved in an accident where injury
15 was sustained to both legs and feet. Defense counsel was unable to participate and come to work
16 for several weeks. Though counsel is still recovering, he is back working almost full-time, and
17 necessitates the extension given the delay caused by his injuries.

18 Lastly, under the prior stipulated discovery plan and scheduling order, initial expert
19 disclosures are scheduled for July 23, 2015. Depositions of the parties and other preparatory
20 work needs to be accomplished to provide the experts for preparation of their reports.
21 Undertaking this activity will require at least several months. Also, one of the anticipated
22 experts for plaintiff recently underwent surgery, and has been unable to actively review the
23 materials in preparing the report. All of the above reasons satisfy Local Rule 6-1.

24 . . .

II. Local Rule 26-4 is Satisfied.

The current discovery cut-off is September 21, 2015, with the expert disclosure due on July 23, 2015. The twenty one day requirement for requesting an extension under Local Rule 26-4 is satisfied.

III. There is Good Cause for the Extension.

All parties have worked collegially together to procure the requested documents, finalize the stipulated confidentiality and protective order, as well as make sure the procedural pleadings were in place to proceed with discovery. Written discovery is now being exchanged between the parties and depositions of the numerous witnesses will commence in the near future. The information gleaned from the exchange of written discovery, as well as the preliminary depositions, is required by the experts in order to effectively prepare their positions and various reports. Additionally, many of the percipient witnesses involved in the underlying matter need to be deposed and are out-of-state. This also includes retained experts who offered opinions in the underlying case. The parties are working to coordinate depositions and are likewise working together to locate the numerous percipient witnesses to be deposed. To avoid complications and concerns with the upcoming expert disclosure deadlines, and the need to complete preliminary discovery, the parties agree to extend discovery to complete the items identified herein in order to allow both parties to adequately prepare their case and have the matter heard on the merits.

IV. Proposed Schedule for Completion of Discovery.

The parties have agreed to an additional 120 days for discovery. As such, the following dates would apply:

- | | | |
|----|---------------------------------------------|-------------------|
| a. | Discovery cut-off: | January 22, 2016 |
| b. | Motions to amend pleadings and add parties: | October 23, 2015 |
| c. | Expert designations: | November 23, 2015 |

- | | | |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| d. | Rebuttal expert designations: | December 30, 2015 |
| e. | Interim status reports: | November 23, 2015 |
| f. | Dispositive motions: | February 22, 2016 |
| g. | Pretrial order: (In the event that dispositive motions are filed, the date for filing the joint pre-trial order shall be suspended until 30 days after a decision on the dispositive motions). | March 21, 2016 |

V. Schedule Currently in Effect for Remaining Discovery.

- | | | |
|----|---------------------------------------------|--------------------|
| a. | Discovery cut-off: | September 21, 2015 |
| b. | Motions to amend pleadings and add parties: | June 23, 2015 |
| c. | Expert designations: | July 23, 2015 |
| d. | Rebuttal expert designations: | August 21, 2015 |
| e. | Interim status reports: | July 23, 2015 |
| f. | Dispositive motions: | October 21, 2015 |
| g. | Pretrial order: | November 20, 2015 |

VI. Discovery Completed.

The parties have completed the following discovery.

Defendants' Initial Disclosure made Pursuant to LR 26-1 and FRCP 26(a)(1)	2/11/15
Plaintiff's Initial Disclosure made Pursuant to LR 26-1	2/11/15
Plaintiff's Amended Initial Disclosure	3/16/15
Plaintiff's First Supplement to Initial Disclosure	4/17/15
Defendants' First Supplement to Rule 26 Disclosures	5/4/15
Plaintiff's First Set of Interrogatories to Defendants, Chesnoff and Schonfeld	6/4/15
Plaintiff's First Set of Requests for Production of Documents to Chesnoff and Schonfeld	6/4/15

1	Plaintiff's Amended First Set of Interrogatories to Chesnoff & Schonfeld	6/5/15
2		
3	Plaintiff's Amended First Set of Requests for Production of Documents to Chesnoff & Schonfeld	6/5/15
4	Plaintiff's First Set of Interrogatories to David Chesnoff, Individually	6/5/15
5		
6	Plaintiff's First Set of Interrogatories to Richard Schonfeld, Individually	6/5/15
7	Plaintiff's First Set of Request for Production of Documents to David Chesnoff, Individually	6/5/15
8		
9	Plaintiff's First Set of Request for Production of To Documents to Richard Schonfeld	6/5/15
10	Defendants' Second Supplement to Rule 26 Disclosures	6/11/15

VII. Discovery Remaining to Be Completed.

The following discovery remains to be completed.

- a. Interrogatories, document production requests, admissions from defendants to plaintiff with additional written discovery between the parties as needed;
- b. Initial and rebuttal expert disclosures;
- c. Depositions of initial and rebuttal experts;
- d. Depositions of all parties;
- e. Depositions of all percipient witnesses;
- f. Depositions of plaintiff's treating physicians;
- g. Subpoenas directed to third-parties.

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The parties and counsel hereby stipulate to the proposed changes in the discovery deadlines.

Dated this ____ day of ____, 2015.

Dated this ____ day of ____, 2015.

BAILEY KENNEDY, LLP

THORNDAL, ARMSTRONG, DELK,
BALKENBUSH & EISINGER

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/s/ Brian K. Terry

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Schonfeld, David Z. Chesnoff, and
Richard A. Schonfeld

**ORDER ON JOINT STIPULATION AND ORDER
TO EXTEND DISCOVERY (FIRST REQUEST)**

IT IS SO ORDERED.

DATED this 16th day of June, 2015.



United States Magistrate Judge

1 Submitted by:

2 THORNDAL, ARMSTRONG, DELK,
3 BALKENBUSH & EISINGER

4 /s/ Brian K. Terry

5

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